

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, May 27, 2004

The regular community meeting of the Detroit Board of Police Commissioners was held on Thursday, May 27, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton **(ABS)**
Arthur Blackwell, II **(ABS)**
Erminia Ramirez
Jim Holley
Megan Norris

Department Personnel Present

Chief Ella Bully-Cummings
AC Walter Shoulders
DC Fred Campbell
Cmdr. Ralph Godbee
Insp. Jamie Fields
Insp. Dwayne McKissic
Insp. Janice Butler
Lt. Don Hudson
Sgt. Timothy Leach
Sgt. Debbie Jackson
PO Shelley Holderbaum
PO Walter Huggins
PO Derrick Mays

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator
Michelle McDonald, Community Affairs Coordinator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Ron Scott
Sandra Hines
Tawana Morris
Ms. Walters

Belinda Johnson
Mr. Fernanders
Diane Bukowski, Michigan Citizen

RECORDERS

Jerome Adams
Felicia Hardaway
Kellie Williams

1. CALL TO ORDER

Commissioner Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:10 p.m.

2. APPROVAL OF MINUTES

♦ **Thursday, May 20, 2004**

MOTION: **Comm. Ramirez** made the motion to approve the above Minutes.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Comm. Norris congratulated Felicia Hardaway on her promotion and wished her good luck.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

Suspension

On May 27, 2004, **Sergeant Gerald Owen**, Badge S-423, assigned to the Eighth Precinct, IAS #04-033, was suspended **without pay** by Chief Ella M. Bully-Cummings.

On February 13, 2004, the Professional Accountability Bureau, Internal Affairs Section, was notified of the arrest of Sgt. Owen. As a result, the Internal Affairs Section initiated an investigation, which revealed the following:

That on February 12, 2004, at approximately 11:14 p.m., a sergeant of the Waterford Township Michigan Police Department, was on patrol in the area of Dixie Highway and Watkins Lake Road, when he observed a red Ford truck driving erratically, crossing over the center line and into the lane of travel for on-coming traffic. Sergeant Walker initiated a traffic stop, whereupon the driver identified himself as a Detroit Police Department sergeant. At that time, Sergeant Walker smelled the strong odor of intoxicants emanating from Sergeant Owen and conducted field sobriety tests, all of which he failed. He was administered a Preliminary Breath Test, with a result of 0.19 breath alcohol content. At that time, Sergeant Owen indicated that he was leaving a party at a bar, wherein he drank liquor. Additionally, Sergeant Owen was in possession of his Department issued weapon and one open bottle of vodka.

Also, on that same date, a search warrant was obtained for a blood sample from Sergeant Owen, with the results being 0.20 blood alcohol content. Subsequently, Sergeant Owen was charged with "Operating a Motor Vehicle While Impaired, Second Offense," contrary to MCL 257.625 (7). Operating a Motor Vehicle While Impaired, Second Offense is a misdemeanor punishable by one (1) year in jail and mandatory immobilization of the vehicle.

On May 13, 2004, Sergeant Owen appeared in 51st District Court in Waterford, Michigan. He pled guilty to the charge of "Operating a Motor Vehicle While Impaired, Second Offense."

On May 20, 2004, Sergeant Owen was sentenced to serve 20 days in the Oakland County Jail, fines and costs of \$1,325.00, 30 hours of community service, immobilization of his vehicle for 180 days, and his driver's license was revoked for two (2) years. Also on this date, the Internal Affairs Section suspended him with pay.

Based on the above circumstances, it is recommended that Sergeant Owen be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, SECTION 3.

Comm. Norris asked do we have anyone here to argue on behalf of the officer?

Exec. Dir. Goss stated the Department has asked to hold oral arguments for two weeks on this matter.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

Office Closing

The Board of Police Commissioners Office and the Office of the Chief Investigator will be closed on Monday, May 31, 2004, in observance of Memorial Day. Regular office hours will resume on Tuesday, June 1, 2004.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	19	581
Weekly Count of Allegations:	35	470

2003

During the past week:	24	Year to Date:	764
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5. REPORT/PRESENTATION – CHIEF OF POLICE

Chief Bully-Cummings stated last Friday a nine year old was shot and killed. That individual has since turned himself in.

DETROIT POLICE DEPARTMENT

REPORT TO THE
BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and business. This effort is not possible without the joint commitment of the community and the Police Department.

ENFORCEMENT ACTIONS

On May 19-25, 2004, the Narcotics Enforcement Section conducted 14 enforcement actions within the boundaries of the Eighth and Ninth Precincts, resulting in the following arrests and confiscations:

- ◆ 15 Felony arrests
- ◆ 25 Misdemeanor arrests
- ◆ 62.7 Grams of cocaine, 36.3 grams of heroin and 943.1 grams of marijuana - street value \$94,192.00
- ◆ \$2,557.00 U.S. currency
- ◆ 4 Handguns
- ◆ 1 Vehicle
- ◆ 13 Miscellaneous Ordinances issued

On May 21, 2004, the Vice Section conducted enforcement actions within the boundaries of the Fourth Precinct, resulting in the following arrests:

- ◆ 24 Arrests for Disorderly Conduct - Flagging
- ◆ 24 Miscellaneous Ordinances issued

REPEAT OFFENDERS PROGRAM AND FEDERAL BUREAU OF INVESTIGATIONS

On May 19, 2004, two subjects committed an armed robbery at a bank in the city of Dayton, Ohio. The investigation revealed the wanted subjects were from the city of Detroit. The Federal Bureau of Investigations, working in conjunction with the Repeat Offenders Program, set up fixed surveillance at a location in the city of Detroit. As a result, one (1) male was arrested; he confessed to the robbery and identified his female accomplice. On May 20, 2004, she was subsequently arrested. Both are awaiting extradition to Ohio.

THIRTEENTH PRECINCT

On May 22, 2004, officers of the Thirteenth Precinct received a police run to the 600 block of W. Boston, on "Investigate Person, Possible Home Invasion." Due to the quick response of the officers and the involvement of citizens in the area, the subject was arrested inside the location for "Home Invasion." Confiscated were burglary tools.

COMMUNITY RELATIONS

AVIATION UNIT – CAREER DAY

During May 19-25, 2004, members of the Aviation Unit participated in Career Day at Berry Elementary School, located at 6600 Benson, Durfee Middle School, located at 2470 Collingwood and Hutchinson Elementary School, located at 5221 Montclair. Each presentation consisted of the stationary helicopter display (students were allowed to board the aircraft). Also, information was provided regarding the functions and duties of the Aviation Unit and how the aircraft is utilized to assist the department.

SPECIAL RESPONSE TEAM – CAREER DAY

On May 21, 2004, members of the Special Response Team participated in Career Day at Holcomb Elementary School, located at 18100 Bentler. The tactical equipment and Armored Personnel Carrier were displayed.

THIRD PRECINCT – POLICE WEEK

During the week of May 19-25, 2004, in recognition of Police Week, the Third Precinct hosted an event for elementary, middle, high school students and teachers. In attendance at this event were the United States Coast Guard, Marines, Air Force, the Detroit Police Department Special Response Team and Blue Pigs Band. There was plenty of food and fun for everyone.

TRAINING

TRAINING BUREAU

During the week of May 19-25, 2004, "Mutual Respect" training was provided for members of the Detroit Police Department, at the Rouge Range, as part of the semi-annual firearms qualification program. This course consists of four (4 hours) of instruction. All members on the department are required to receive this training.

CHIEF OF POLICE ELLA M. BULLY-CUMMINGS

6. PRESENTATION – PUBLIC INFORMATION

Comm. Norris stated Chief I understand that you have asked that the presentation regarding Public Information be deferred until our next community meeting. She asked is that right?

Chief Bully-Cummings stated yes.

Comm. Norris stated okay, we will reschedule it for then.

7. PRESENTATION – CIVIL RIGHTS INTEGRITY BUREAU

DC Fred Campbell from the Civil Rights Integrity Bureau introduced Lt. Hudson and PO Holderbaum. He also stated they will be giving the following PowerPoint presentation:

(See Attachment 1)

Questions & Answers

Comm. Norris commended CRIB for the first rate work that is being done and a lot of good policies have come before us. I would also like to remind you that the Commission's role is not simply to approve policy; the Commission by Charter has a role in making policy. Certainly in the areas that are of special interest to the Commission like, investigations, use of force and etc. I would urge you to consult with the Policy Subcommittee, which is chaired by Comm. Blackwell, in formulating those policies and not just bringing them for us to review.

DC Campbell stated CRIB has identified one member from every bureau as a project manager and that individual is Ainsley Cromwell. We also have status meetings every 1st and 3rd Tuesday on the month. Mr. Cromwell has attended those meetings and he is aware of the next meeting.

Comm. Norris asked is he involved in the things that impact OCI? She stated he is an OCI person, who would certainly be the right person to have input on investigations, but he is not a member of the Commission.

DC Campbell stated I understand that, but one of the things I did was sat down with all of the project managers and stated to them that you are representing a particular group. If you need to bring someone who has an expertise on the subject, then you could send that person.

Comm. Norris asked could we send someone else on a particular issue if it is brought to us and we think that that is important?

DC Campbell stated that is correct. He also stated Mr. Cromwell is responsible for getting that information to you.

Comm. Ramirez stated Lt. Hudson has done an excellent and marvelous job answering questions from the southwest community.

Lt. Hudson thanked Comm. Ramirez.

Comm. Norris asked is the policy team that has been put together, is that being used for policies that might not be under the consent decree or other policies?

DC Campbell stated it depends on what the policy is, if the policy is about firearms, then you would want some direction from firearms.

Comm. Norris asked is it still going through the same procedure?

DC Campbell stated it goes through the same process, the process has not changed?

Chief Bully-Cummings stated I think what you are asking is that if it is not a policy that is delineated in the consent decree are we using this process, the answer is now. The reason why we probably don't need to is because the consent requires us to revise pretty much every one of our substantive policies. The only policy that had to be created from square one was foot pursuit.

Comm. Norris stated to Chief Bully-Cummings that I know the consent decree requires everyone in the department, the Commission and its staff, to be trained, but could you let him know also if anyone is not in compliance.

Comm. Holley asked with this day and time of technology if there is a way we could measure what the timeframe is regarding where we are with the policies? For example, you named the policies that we have okayed, we ought to have that, so that when I go out and speak to community groups I would have that we have okayed these policies, what are those policies and how are they defined. If I am the spokesperson for the community, I need to have this information. I need to know where we are, where are we going in this day of computerization,

Chief Bully-Cummings stated one of the things that we have decided to do as a department, is to sing our own song. We have found that we are about to submit our Third Quarter Status Report to the Monitor. The only thing that the community ever sees is the Monitor's Report and it does not reflect the work that has been committed to and done by members of this department. So, what I have decided to do going forward is to put the Executive Summary, as well as the Department's report to the monitor on the DPD Website. The Executive Summary for the Third Quarter will list all of the policies that have been approved by the Board of Police Commissioners and the date that they were approved. If you just take the Executive Summary, which is like four or five pages and only print that, then you will have talking points when you go out to the community.

Comm. Norris stated I want to commend you for that Chief, because I think that is an excellent idea because I have been frustrated reading the Monitor's report knowing that some of the things have come to us have not quite bubbled up to the fruition of compliance.

Chief Bully-Cummings stated thank you. There is an awful lot of work that is being done throughout this Department because the policies are developed in collaboration with members throughout this Department and outside of the police department.

Comm. Norris stated I am sure that by the time we get through our first year we will probably see all of the policies and we will be in the implementation stages and the training stages. I know that we have a long way to go, but it seems that the progress is at the right force and speed for where we want to be right now.

8. GENERAL ORDER DISCUSSION – PLANNING & ACCREDITATION

➤ Directive 305.7 (Detainee Transportation)

Insp. Jamie Fields gave the following PowerPoint presentation:

(See Attachment 2)

Questions & Answers

Comm. Ramirez asked when it comes to injections, who provides them?

Insp. Fields stated a medical person at a hospital.

Comm. Ramirez asked what if you have an individual that is spitting, is there a certain scout car that comes out and has that plastic to protect the safety of the officer?

Insp. Fields stated that is in our infectious disease pro-plan. He also stated you can't make a blanket policy for that, it depends on an individuals situation.

Comm. Ramirez asked what do you mean by infectious disease?

Insp. Fields stated each officer has a Personal Protection Equipment (PPE) Kit in their scout car.

Comm. Ramirez asked do all scout cars have one of those kits?

Insp. Fields stated the officer signs one out when they go on duty.

Comm. Ramirez asked what are in those kits?

PO Holderbaum stated gloves, masks and gowns.

Chief Bully-Cummings stated there is a separate policy that deals with infectious diseases and it covers situations like that and it is required. We are also required to revise our infectious disease policy in conjunction with one of the paragraphs in the consent decree.

Comm. Ramirez asked so at this point, all of the scout cars have those?

Chief Bully-Cummings stated yes.

Insp. Fields stated that was in affect before the policy was revised, we have been doing that for awhile.

Comm. Holley asked if an inmate has diabetes, who administers those injections?

Insp. Fields stated we don't give them in the cells, they would be conveyed to hospital?

Comm. Holley asked what if they have a diabetes attack?

Insp. Fields stated they would contact EMS.

Comm. Holley asked so the consent decree does not require us to have a nurse or health assistance at these holding cells?

Insp. Fields stated no.

Chief Bully-Cummings stated we have holding cells and there are different standards for jails and prisons and they may require a medical person on site. Normally, what happens when we have a prison that has a life threatening medical condition, we take them to the hospital.

Comm. Holley asked do we cross train with EMS in terms of relationship with what we are trying to do with regards to harm done to prisoners?

Insp. Fields stated detention officers receive first-aid and emergency first-aid training. For other conditions and life threatening conditions, EMS will be the most appropriate response.

9. APPROVAL OF GENERAL ORDER.....CHAIRPERSON

➤ **Directive 305.4 (Holding Cell Areas)**

MOTION: **Comm. Norris** made the motion to approve the above General Order.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

10. APPEALS ARGUED

Comm. Norris stated Appeals Argued will be tabled until next week.

11. OTHER BUSINESS

There was no Other Business.

12. ORAL COMMUNICATION FROM THE AUDIENCE

Ron Scott stated over the past several weeks, the Detroit Coalition Against Police Brutality have been listening to the proposals that were presented relative to the consent decree. He also voiced his concerns regarding the officers from the Fourth Precinct that were acquitted and he wondered if the jury pool was adequately reflected of the city of Detroit. He asked does the Department sees that internally that it has any desires of information or interest in pursuing these matters relative to the employment of these individuals and or things related to their employment related to perjury and falsifying PCR's.

Comm. Norris stated when an officer is charged with criminal charges and there is a suspension without pay pursuant to that when the criminal process runs its course, obviously the criminality issues are deemed resolved. The Department still undertakes whatever investigation the Department deems appropriate regarding departmental matters and then sometimes action is taken and sometimes not, depending on how that all plays out. I am guessing that the Chief is not going to want to comment on each individual case. She asked I am right that, that is the procedure that is normally taken.

Chief Bully-Cummings stated I gave statements, whether or not the media choose o publicize that.

Ron Scott stated they didn't publicize your statement.

Chief Bully-Cummings stated I interviewed with television and I went on radio, so I did respond, they elected to just play the response from the Mayor. I did provide a response as the Chief of Police from the Department. Comm. Norris is correct, they were suspended without pay and the basis of that were the criminal indictments.

Belinda Johnson voiced a complaint regarding police officers from the Detroit Police Department shot and killed her dog. She also stated that the officers acted and responded in an unprofessional manner. She asked what is the procedure for handling canines.

Comm. Norris asked Chief Bully-Cummings do you know if this is still under investigation in Internal Affairs.

Chief Bully-Cummings stated no I don't. She asked Ms. Johnson if she was in the process of making a civil complaint?

Ms. Johnson stated yes.

Comm. Norris asked Ms. Johnson if she had spoken with someone from the Office of the Chief Investigator?

Ms. Johnson stated no.

Comm. Norris asked Ms. Johnson to file her complaint with Interim Chief Investigator Sheard from the Office of the Chief Investigator. She also stated we don't investigate criminal allegations, but we do investigate violations of departmental policy claims against officers. I don't know what the policy and procedure is in these situations?

Comm. Holley asked do we have an animal policy?

Chief Bully-Cummings stated dealing with dogs is incorporated in our Use of Force Policy, which is being revised.

Comm. Norris stated I seen one regarding the use of our dogs, but I don't remember seeing one about other dogs.

Insp. Fields stated the Use of Force Policy contains an animal policy, which states an officer could shoot at an animal in defense of himself/herself or in defense of somebody else.

Tawana Morris asked City council mentioned that they were going to save 8 million dollars for revamping precinct cells in a detention center. She asked the Chief if she could give more information regarding the matter?

Chief Bully-Cummings stated Ms. Morris I was not involved in that and I cannot respond to the question. It was not a recommendation that was made by the Department.

Ms. Morris asked is there a time limit on investigations?

Comm. Norris stated OCI has very strict time limits, such as the length of the initial investigation, how long a supervisor reviews an investigation, how long the Commission reviews the investigation.

Ms. Morris asked how often is the complainant updated after the complaint has been filed?

Comm. Norris stated citizens receive a letter at the beginning of the investigation telling them who has been assigned the case. If we have not completed the investigation within 45 days, the complainant would receive a letter indicating where it stands and then they receive a letter at the conclusion of the investigation. The consent decree requires that the investigation itself be completed within 60 days, but then we have time after that for the review by the various entities.

Mr. Fernanders voiced his concerns regarding the Third Precinct being merged with the Fourth Precinct on July 4th and how the boundary changes will be affected. He also stated he feels that this change may affect the Weed and Seed Initiative that his company has been providing for the past two years.

Chief Bully-Cummings stated there will be an opportunity for a public meeting which is something that has been in discussion since 1995/1996, but I don't want you to think that the department is going to move forward to do anything without bringing together the community, that is what that one meeting was about and it is not the last one.

Comm. Ramirez asked are you concerned because you have a deadline to submit that application or has it already been submitted?

Mr. Fernanders stated no, we have a deadline to submit it and it is built to boundaries and right now it is considered the Third Precinct boundaries, but if you are talking about changing that and the dynamics of that changes as well because if there are other precincts involved with the redistribution of those boundaries then partnerships need to be made with those police departments made before they combine they phase out the Third Precinct.

Chief Bully-Cummings stated I could assure you that there will be changes in the precinct's boundaries, there has to be.

Comm. Ramirez stated the Fourth Precinct is being held by band-aids and it needs to be shut down.

Comm. Norris stated he needs to make sure he has he is communicating with the right people.

Chief Bully-Cummings stated he does, because when he mentioned Cmdr. Martin, he is talking about the right person and AC Shoulders.

Sandra Hines voiced concerns regarding she has a feeling that no matter what the citizens of Detroit to move forward and to press upon the Commissioners and the Chief this bad relationship has when we have to face defeat, such as, those eight officers from the Fourth Precinct were acquitted. She feels that she is left with total hopelessness now, that there is nothing that the citizens could do in this city to get a corrupt police officer convicted of his charges.

Comm. Holley stated I appreciate your pass, but I think that we have come a long way. The reason why we are seating her is because of the community. The consent decree is here because of the community. In terms in the justice system, perhaps that is another fight. We cannot give up, it might be our generation that will appreciate it, it might be the generation yet to come. We cannot be held responsible for what took place in a court room, we could only be held responsible for what takes place in this room. I think that we are making great strides within these 3 to 5 years, I guarantee that you will see a much better police department and it is going to be because of you, the people in this room, because you have trust in us, and because of the Chief, the fine officers and the fine citizens. Your work is not in vain, keep crying, keep hollering, and keep screaming. You will always have an opportunity to speak here. We need to continue working together.

Comm. Norris stated historically there was a time when this department sort of washed its hands and let the criminal process take its course and if the criminal process is acquitted, so be it. If the criminal process is convicted, then great. That has not been the case in the last few years. We now suspend and terminate officers without regard to waiting for the result of the criminal process based on what the Department determines the behavior to be. There have been a lot of people who are not serving in this Department because the Chief's wisdom and her predecessors wisdom and with the support of this Commission said that these people need to go home and we are not going to wait to hear what the jury says, we are not going to wait to find out what happens, we think based on what we know that they need to go home. That was not always the case. I am really proud of the Department and the job that the Chief has done in taken responsibility for this Department and not hiding behind the criminal process. I share your frustration, but as the Chief said, we have to leave with what happens on the other side of the

aisle, but we don't have to say that we are bound by that. I think that there has been a huge change in what the Department has taken action against and what the Department has tolerated within the past two to three years.

Comm. Ramirez stated you're absolutely right, the complaints are increasing and that is a good thing, which means that it is being publicized out there and we are working together with the Department.

Comm. Holley stated it also means people are talking to us because they are not afraid or intimidated.

Ms. Hines asked why hasn't it been made who shot Ronald Floyd? Why is it a secret?

Comm. Holley stated it was in the paper.

Ms. Hines stated they never mentioned who the officers were that shot Ronald Floyd?

Chief Bully-Cummings stated I do know that the case is still under investigation. It was on television and it was in the newspaper.

Ms. Hines stated Mr. Floyd has indicated that he is not aware of who shot him.

Comm. Holley stated yes he is.

Ms. Hines asked he has been told who shot him?

Comm. Holley stated yes.

Chief Bully-Cummings stated when a civil complaint filed and ongoing investigation, we do not give out information in a setting like this.

Ms. Walters stated I am disappointed that we do not use that same degree of energy to change the justice system. She also voiced a concern regarding that people don't know how to file a complaint and she feels that there are various ways to put information out regarding these meetings.

13. ANNOUNCEMENT OF NEXT MEETING

Thursday, June 3, 2004, @ 3:00 p.m.
Police Headquarters, Rm. 328-A
1300 Beaubien
Detroit, MI 48226

14. ADJOURNMENT

Meeting was adjourned at 4:35 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw